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DATE: March 11, 2005

MATTER NUMBER: 10104086

UTXC:569USC1

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FROM: Martha Robinson

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RE: APPLICATION FOR PATENT TERM ADJUSTMENT

NUMBER OF PAGES WITH COVER PAGE: 8 Originals Will Not Follow

Message:

Please enter in the following matter:

U.S. Patent Application No. 09/902,933, entitled "*METHOD AND APPARATUS FOR PROGRAMMABLE FLUIDIC PROCESSING*", by Becker et al.

Thank you for your attention to this matter.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
Frederick E. Becker et al.

Serial No.: 09/902,933

Filed: July 10, 2001

For: METHOD AND APPARATUS FOR
PROGRAMMABLE FLUIDIC
PROCESSING

Group Art Unit: 1753

Examiner: Alexander Stephan Noguerola

Atty. Dkt. No.: UTXC:569USC1

MAR 11 2005

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

I certify that this correspondence is being transmitted to: Office
of Petitions, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, facsimile number (703) 308-6916
on the date below:

March 11, 2005
Date

Michael C. Barrett
Michael C. Barrett

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants request a reconsideration of patent term adjustment under 37 C.F.R. §§1.705(b).

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) included with the Notice of Allowability and Issue Fee Transmittal dated January 25, 2005 indicates a patent term adjustment of 140 days.

On the Patent Application Information Retrieval (PAIR) system there is an Applicant delay of 293 days in responding to the non-final rejection mailed on November 17, 2003 and response date restarted on August 24, 2004.

PAIR indicates that a non-final rejection was mailed on November 17, 2003. Applicants never received the non-final rejection. The PAIR system indicates that a Notice regarding the Restarted Response Period was mailed on August 24, 2004. Applicants mailed a Response to the non-final rejection and the postcard was dated stamped as being received on December 3, 2004. Attached as Exhibit A is a copy of the date stamped postcard.

PAIR begins counting the Applicants response time to the Non-Final Action as beginning on November 17, 2003, as opposed to the restart date of August 24, 2004. Attached as Exhibit B is a copy of the PAIR system's calculations of Patent Term Adjustment.

Applicants request their delay be recalculated beginning with the restart date of August 24, 2004 and the delay be changed from 293 to 12 days.

Applicant respectfully requests an adjustment of the patent term from 140 days to 421 days, an adjustment of 281 days to account for the discrepancy of the Response mail date and restart mail date.

In accordance with 37 C.F.R. §§ 1.18(e), the Commissioner is hereby authorized to deduct a fee of \$200.00 from Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:569USC1.

Respectfully submitted,

Michael C. Barrett

Michael C. Barrett
Reg. No. 44,523
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: March 11, 2005

EXHIBIT A

Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	Sheets
<input checked="" type="checkbox"/> Amendment; Response to Office Action Dated: August 24, 2004		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Terminal Disclaimer (TAB 1); Req. for Ext. Time; Check (\$110); PTO Transmittal Form; Fee Transmittal (in duplicate)			
<input type="checkbox"/> Assignment Enclosed	<input checked="" type="checkbox"/> Cert. of Timely Mailing		<input type="checkbox"/> Exp. Mailing

IDENTIFICATION OF APPLICATION

Serial No.: 09/902,933	
Title: METHOD AND APPARATUS FOR PROGRAMMABLE FLUIDIC PROCESSING	
Applicant: Becker et al.	Attorney: MCB/lak
Client: UT	F&J File No.: UTXC:569USC1
Mailed: 12/03/2004	Filed: Due Date: 11/24/2004

FULBRIGHT & JAWORSKI LLP
AUSTIN, TEXAS

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EXHIBIT B



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/902,933			
			Days
Filing or 371(c) Date:	07-10-2001	USPTO Delay (PTO):	433
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	293
Post-Issue Petitions (days):	+0	Total PTA:	140
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Continuity Data
Image File Wrapper
File History
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
01-25-2005	Mail Notice of Allowance		
01-24-2005	Issue Revision Completed		
01-24-2005	Notice of Allowance Data Verification Completed		
01-24-2005	Notice of Allowability		
01-20-2005	Paralegal TD Accepted		
12-06-2004	Terminal Disclaimer Filed		↑
12-22-2004	Paralegal TD Not accepted		↑
12-21-2004	Date Forwarded to Examiner		↑
12-06-2004	Response after Non-Final Action		293
12-06-2004	Request for Extension of Time - Granted		↑
12-21-2004	IFW TSS Processing by Tech Center Complete		↑
11-15-2004	Reference capture on IDS		↑
11-15-2004	Information Disclosure Statement (IDS) Filed		↑
10-15-2001	Information Disclosure Statement (IDS) Filed		↑
10-15-2001	Reference capture on IDS		↑
12-06-2004	Workflow incoming amendment IFW		↑
08-24-2004	Mail Notice of Restarted Response Period		↑
07-28-2004	Letter Restarting Period for Response (i.e. Letter re: References)		↑
11-17-2003	Mail Non-Final Rejection	433	↑
11-17-2003	Non-Final Rejection	↑	
01-28-2003	Case Docketed to Examiner in GAU	↑	
01-28-2003	Case Docketed to Examiner in GAU		

		↑	
11-13-2002	Correspondence Address Change	↑	
11-13-2002	Record Petition Decision of Granted Related to Attorney	↑	
10-22-2002	Petition Entered	↑	
01-07-2002	Case Docketed to Examiner in GAU	↑	
01-07-2002	Case Docketed to Examiner in GAU	↑	
07-10-2001	Preliminary Amendment	↑	
11-06-2001	Application Dispatched from OIPE	↑	
10-31-2001	Application Is Now Complete	↑	
08-01-2001	Correspondence Address Change	↑	
07-24-2001	IFW Scan & PACR Auto Security Review	↑	
07-10-2001	Initial Exam Team nn	↑	